

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MICHAEL SMITH,  
Petitioner,  
vs.  
RENEE BAKER, et al.,  
Respondent

| Case No. 3:13-cv-00246-RCJ-WGC

**ORDER GRANTING RESPONDENT'S  
UNOPPOSED MOTION FOR EXTENSION  
OF TIME TO ANSWER THE SECOND  
AMENDED PETITION FOR WRIT OF  
HABEAS CORPUS (ECF NO. 44)**

**(THIRD REQUEST)**

Respondents move this Court for an enlargement of time of thirty days from the current due date of Friday, September 4, 2020 up to and including Monday, October 5, 2020, in which to file their answer to Petitioner Michael Smith's Second Amended Petition for Writ of Habeas Corpus. ECF No. 44. This motion is made pursuant to Fed. R. Civ. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached affidavit of counsel.

This is the third enlargement of time sought by Respondents and is brought in good faith and not for the purpose of delay.

DATED September 4, 2020.

AARON D. FORD  
Attorney General

By: /s/ Allison Herr  
ALLISON HERR (Bar No. 5383)  
Senior Deputy Attorney General

## **DECLARATION OF ALLISON HERR**

STATE OF NEVADA )  
 ) ss:  
COUNTY OF CLARK )

I, Allison Herr, being first duly sworn under oath, depose and state as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada and am employed as a Senior Deputy Attorney General in the Office of the Nevada Attorney General. I have been assigned to represent Respondents in the case of *Smith v. Baker*, 3:13-cv-00246-RCJ-WGC, and as such, have personal knowledge of the matters contained herein.

2. An answer to the Second Amended Petition for Writ of Habeas Corpus (ECF No. 44) is currently due on Friday, September 4, 2020. Respondents have been unable to timely complete their answer and need additional time. Respondents seek an extension of thirty days up to and including Monday, October 5, 2020.

3. Respondents understand that this is an older case that needs to be prioritized and that it is unusual for this Court to grant another extension without good cause. However, I had a family member who became ill with Covid-19. Due to my exposure to him, I was also under quarantine and unable to go into the office to review some of the necessary exhibits in this matter. His care, which included emergency room visits, and an extended hospital stay, as well as testing protocols for myself and other family members took me away from work for several days during the month of August. This had a ripple effect, as matters due during that period got pushed back. The last of those items, a Ninth Circuit answering brief in *Minor v. Williams*, Case No. 19-15822 due on August 17, 2020 was pushed to September 2, 2020. Unfortunately, that left insufficient time to complete the answer in this matter by September 4, 2020. Consequently, Respondents are seeking an additional extension of thirty days to complete the answer.

4. Respondents have conferred with counsel for Petitioner about this request and Petitioner's counsel does not object to the requested extension.

5. This is the third request for an extension.

6. This motion is made in good faith and not for the purpose of delay.

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1 I declare under penalty of perjury that the foregoing is true and correct  
2 Executed on this 4<sup>th</sup> day of September 2020.  
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5 /s/ Allison Herr  
6 ALLISON HERR (Bar No. 5383)  
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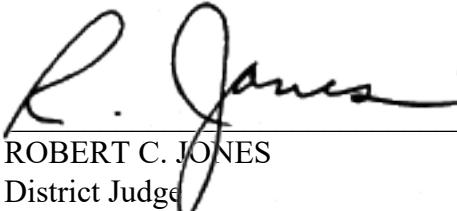
9 ORDER  
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11 IT IS HEREBY ORDERED that the unopposed motion to extend time (ECF No. 87) is  
12 GRANTED.  
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14 IT IS FURTHER ORDERED that the motion to extend time (ECF 86) is DENIED as MOOT.  
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16 IT IS SO ORDERED.  
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18 Dated: This 22nd day of September, 2020.  
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21 ROBERT C. JONES  
22 District Judge  
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